

**Ohio
Democratic
Party**



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Federal Election Commission
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MUR # 6679

Complainant: Chris Redfern
Ohio Democratic Party
340 E. Fulton Street
Columbus, OH 43215

Respondents: Jim Renacci for Congress Campaign
150 Smokerise Drive
Wadsworth, OH 44281

The Congressional Leadership Fund
555 13th Street NW
Suite 510 W
Washington, DC 20004

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COMMISSION
2012 OCT 31 PM 3:31
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COUNSEL

Re: Complaint Against James Renacci, Jim Renacci for Congress, the Congressional Leadership Fund, for illegal coordination and communication of expenditures

To Whom It May Concern,

Based on information first reported by the Cleveland Plain Dealer and the Columbus Dispatch, there appears to be near certainty that Representative Jim Renacci illegally coordinated television advertisement purchases - in violation of federal election commission finance laws - with the Republican super PAC The Congressional Leadership Fund.

As reported by the Cleveland Plain Dealer (see attached) on October 23, 2012, the Renacci for Congress campaign cancelled \$850,000 of broadcast television reservations through Election Day, although his campaign has ample money on hand.

Ohio Democratic Party, Chris Redfern, Chairman
340 East Fulton Street, Columbus, Ohio 43215 | 614-221-6563 (main) | 614-221-0721 (fax)

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Less than 24 hours later, the Columbus Dispatch (see attached) reported that a Republican independent expenditure called the Congressional Leadership Fund was moving to replace the cancelled ad buys with \$300,000 worth of new advertisements attacking Renacci's Democratic opponent Betty Sutton.

This extremely odd cancellation of ads in the final days of the campaign by Jim Renacci's campaign for Congress, and subsequent replacement by a shadowy outside group, smacks of more than just coincidence.

The Congressional Leadership Fund is organized in such a manner so that it is only permitted to make independent expenditures as defined by 11 CFR 100.16(a). This section of the Federal Elections law is crystal clear that independent expenditure groups are entirely forbidden from engaging in coordinated communications with candidate committees.

However, the Congressional Leadership Fund's latest ads replaced the Renacci for Congress campaign ads in a such a manner that likely constituted a coordinated communication, a clear violation of 11 CFR 100.16(a).

According to 11 CFR 109.21, payment for a communication is "coordinated" if it is made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee or their agents, or a political party committee or its agents. FEC regulations establish a three-prong test to determine whether a communication is coordinated. All three prongs of the test—payment, content and conduct—were likely met by the Congressional Leadership Fund's ads against Betty Sutton to constitute an illegal, coordinated communications.

The Congressional Leadership Fund ads were purchased by an entity other than the Renacci Campaign, satisfying the payment prong of the coordinated communication test. The Congressional Leadership Fund ads also satisfy the content prong of the test since they can be considered an "electioneering communication" as defined in 11 CFR 100.29.

Due to the scammers' speedy manner in which Renacci's ads were replaced in less than 24 hours, the Congressional Leadership Fund and the Renacci for Congress campaign must have been "materially involved" with one another's respective television ad timing, intended audience, and means of communication.

When the Renacci campaign pulled over \$800,000 of media buys for the final two weeks of the election, arguably the most crucial period, many questioned his reasoning in a race that is



considered a dead heat. The Congressional Leadership Fund swooped in twenty four hours later to replace much of the pulled ad buys, which leads us to believe there was coordination between the Jim Renacci for Congress campaign and the Congressional Leadership Fund, which then likely led the Congressional Leadership Fund to replace the media buys removed by the Renacci campaign.

This letter serves as a formal complaint filed pursuant to 2 U.S.C. 431(17) that illegal coordination occurred regarding this independent expenditure, and as a request for the Federal Election Commission to investigate the claim. In camera access by the FEC to personal and campaign emails between Jim Renacci, his staff, and agents and employees of the Congressional Leadership Fund, will shed further light into these allegations of illegal communication coordination:

Sincerely,

Chairman Chris Redfern

SWORN TO AND SUBSCRIBED before me on this 30th day of October, 2012.

Notary Public

My commission expires:

DAVID L. DUFFEY

Notary Public, State of Ohio

My Commission has no Expiration Date

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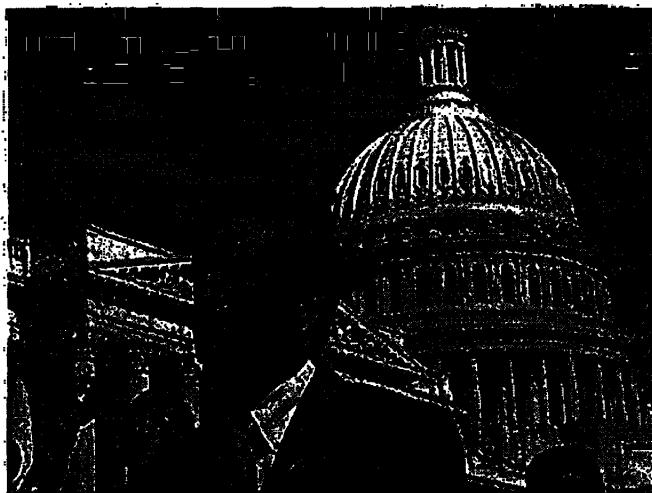
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Rep. Jim Renacci plans to skip broadcast TV the election

(<http://connect.cleveland.com/user/seaton/index.html>) By: Sabrina Eaton, Plain Dealer-Washington Reporter (<http://connect.cleveland.com/user/seaton/posts.html>) on October 23, 2012 at 6:40 PM, updated October 24, 2012 at 2:30 AM

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Wadsworth GOP Rep. Jim Renacci - who is battling Copley Township Democratic Rep. Betty Sutton for re-election after both were put into the same congressional district - has canceled his broadcast television reservations through Election Day and will instead focus his ads on on cable television viewers.



Wadsworth GOP Rep. Jim Renacci at the U.S. Capitol

Sabrina Eaton, The Plain Dealer

Renacci's campaign - which has raised more campaign money (http://www.cleveland.com/open/index.ssf/2012/10/rep_jim_renacci_raises_slight1.html) than Sutton's - ran ads on broadcast television for several weeks (http://www.cleveland.com/open/index.ssf/2012/08/new_television_ad_from_rep_jim.html) before Sutton went on the air (http://www.cleveland.com/open/index.ssf/2012/10/rep_betty_sutton_airs_first_te.html).

"A lot of voters hate the ads and are tuning it out right now," said Renacci spokesman

James Slepian. "We had to adapt to the environment and be strategic about how and when we are talking to voters."

Slepian said the campaign feels that it has already made an impact on early voters through broadcast television, and will now focus on reaching targeted groups through cable television.

The Democratic Congressional Campaign Committee issued a statement that said Renacci "doesn't want to throw good money after bad," and claimed that he's "given up defending his failed record."

Sutton plans to continue broadcast television ads through the end of the election, according to her campaign spokesman, Steve Fought.

"By that logic, Mitt Romney would pull his ads, too," said Fought. "A lot of people have not voted yet."

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Politics and government from the Statehouse to the White House

Republicans rush help to Renacci

By: Jack Terry

The Columbus Dispatch - October 26, 2012 3:10 PM

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An independent Republican organization today launched a new TV ad targeting Rep. Betty Sutton, D-Copley Township, denouncing her for voting for increased federal spending. The GOP group, the Congressional Leadership Fund, went out of its way to use an unflattering image of Sutton.

Sutton's opponent, Jim Renacci, R-Willard, this week caricatured his TV advertisements during the last two weeks before the election, causing Democrats to assume that he had given up his efforts to beat Sutton. But the Congressional Leadership Fund has now poured an additional \$300,000 into TV commercials to help Renacci. The GOP organization will have spent \$1.5 million on TV spots to defeat Sutton in the Northeast Ohio district.

Contributed by: Ellen Jervell, Dispatch Washington Bureau Intern

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